



PDC NEWS

711 Capitol Way, Room 206
Olympia Washington

Public Disclosure Commission

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Enforcement Matters

The Public Disclosure Commission, in a unanimous vote, found Marilou Rickert, candidate for State Senate in the 35th Legislative District in the 2002 election, violated state law by sponsoring, with actual malice, political advertising that contained a false statement of material fact.

The Commission levied a \$1,000 civil penalty for a single violation of state law.

Ms. Rickert was charged with sponsoring false political advertising that was mailed to 34,032 voters between October 16 and October 28, 2002. The advertisement stated in part that Tim Sheldon, *"...voted to close a facility for the developmentally challenged in his district..."*

The facility referred to in the political advertisement was the Mission Creek Youth Camp near Belfair, WA, a detention facility for juvenile offenders.

RCW 42.17.530 states: "(1) It is a violation of this chapter for a person to sponsor with actual malice: (a) Political advertising that contains a false statement of material fact about a candidate for public office..."

In finding a violation of law, the Commission found clear and convincing evidence that Ms. Rickert made a false statement of material fact in her political advertising opposing Senator Sheldon.

Testimony during the hearing supported the fact that Senator Sheldon voted against the 2002 state budget proposal (SB 6387) that eliminated the funding for the Mission Creek Youth Camp. He did not vote in support of its closure, as stated in the political advertisement. The Commission found that Ms. Rickert had knowledge of the truth and acted with reckless disregard of the truth in falsely stating the vote of Senator Sheldon. The fact that the voting record of Senator Sheldon was readily available through news articles, an internet search, the Code Reviser's Office, DSHS, Secretary of the Senate or other sources was provided as evidence at the hearing.

The Commission also found that Ms. Rickert had knowledge or acted with reckless disregard of the truth in describing the Mission Creek Youth Camp as a facility for the developmentally challenged.

Reporting Modifications

The Commission granted a reporting modification to **Mark Warner**, candidate for School Director, Issaquah School District, from reporting the business and governmental customers of Briazz, Inc., of which his spouse was an officer until October 2002.

Three individuals were granted renewals of prior reporting modifications of the statement of personal financial affairs. The following renewals with no changes and consistent with PDC Interpretation 02-03, 02-04, 02-05 and 02-06 were granted.

Joseph Delay, Alternate Member, Commission on Judicial Conduct, **Richard A. Jones**, Judge, King County Superior Court (2002 and 2003), **Nancy Waldman**, School Board Member, Seattle School District 1.

Requests for Reconsideration of Reporting Modifications

The Commission also granted reconsideration requests for expanded reporting modifications granted at its May 27, 2003 meeting to **Bruce Allen**, School Board Member, Highland School District 203 and **Steven Hill**, Regent, Washington State University.

Bruce Allen, a director of Tree Top, Inc., was granted a modification to report only the governmental customers of Tree Top, Inc. of which he is aware. Steven Hill, a former director of Willamette Industries, was granted a modification to not report the governmental customers of Willamette Industries, except any payments received from Washington State University.

The Commission meeting materials may be found at www.pdc.wa.gov under **Commission Meetings** at **Meeting Agendas and Materials**. For additional information concerning these issues contact Doug Ellis, Director of Public Outreach, at (360) 664-2735, toll free 1-877-601-2828 or e-mail at dellis@pdc.wa.gov.